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United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Agricultural  
Marketing  
Service

Livestock and  
Seed Program

# Items of Interest in Seed Control

## Summer/Fall 2003

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## ANNUAL MEETING OF THE ASSOCIATION OF OFFICIAL SEED ANALYSTS

Botanist Patsy Jackson represented the Seed Regulatory and Testing Branch (SRTB) at the joint annual meeting of the Association of Official Seed Analysts (AOSA) and Society of Commercial Seed Technologists (SCST) held in Seattle, WA, June 7-10, 2003. The main focus of the meeting was harmonization of testing procedures between AOSA and International Seed Testing Association (ISTA).

At the AOSA/SCST banquet, SRTB Laboratory Supervisor Susan Maxon received an honorary SCST membership in recognition of her exemplary work in the seed industry.

Twelve AOSA rule proposals were considered, of which eight passed. The proposals along with supporting evidence were published in the February issue of "The Seed Technologist Newsletter." Two of the new rules add drawings with captions for seedling evaluation in two flower seed families (proposals 1 and 2). A paired germination test was added for two *Pinus* spp. (proposal 3). Evaluation of split coleoptiles in seedlings of cereal species was amended and is now harmonized with ISTA seedling evaluation of these kinds (proposal 4). Rounding rules were added for germination tests (proposal 5). Purity and germination test procedures were added for a new kind, *Puccinellia distans*, weeping alkaligrass (proposal 10). The pure seed definition for *Lolium* spp., *Festuca arundinacea*, and *F. pratensis* was changed to require the caryopsis to be at least one third the length of the palea to be classified as pure seed; this is now harmonized with ISTA (proposal 11b). Finally, an alternative method for endophyte testing was adopted (proposal 12). These amendments to the AOSA Rules become effective October 1, 2003. Although the Federal Seed Act regulations cannot automatically incorporate these rule changes, the Seed Regulatory and Testing Branch would take these changes into consideration in any enforcement action.

Immediately following the close of the AOSA/SCST Meeting, the ISTA purity workshop was conducted June 10-12, 2003. Botanist Patsy Jackson represented the SRTB at the workshop. The workshop focused on identification of species, ISTA accreditation, and harmonization between AOSA and ISTA.

For information regarding this article contact Botanist Patsy Jackson (704) 810-8883; ([patsy.jackson@usda.gov](mailto:patsy.jackson@usda.gov)).

## EXTRAORDINARY MEETING OF THE INTERNATIONAL SEED TESTING ASSOCIATION

Laboratory Supervisor Susan Maxon served as the U.S. voting delegate to the 2<sup>nd</sup> Extraordinary Meeting of the International Seed Testing Association (ISTA) held June 30-July 3, 2003, in Zurich, Switzerland. She also attended the one-day ISTA auditors meeting on June 29. Other participants from the United States included Dr. Michael Sussman (molecular biologist, USDA, AMS, Science and Technology Program, Gastonia, NC), Sharon Davidson (AgriSeed Testing), Doris Dixon (Monsanto), and DaNell Jamieson (Ball Helix).

One hundred twenty participants attended the meeting from 44 countries, including 39 voting delegates. Representatives present from several related organizations included:

- Organization for Economic Cooperation and Development (OECD),
- International Seed Trade Federation (ISF),



- Asia – Pacific Seed Association (APSA),
- Society of Commercial Seed Technologists (SCST),
- International Society of Seed Technologists (ISST).

Agenda items included: consideration of voting rights and “GM” testing in seeds; discussion of authorization rights to issue ISTA Certificates; and consideration and adoption of proposed rule changes for testing seeds.

Several proposals for amendments to the International Rules for Seed Testing were reviewed then adopted with unanimous or near unanimous votes. Proposals regarding Seed Health Testing Methods and moisture content were withdrawn for further work by the respective technical committees. The proposal regarding the uniform blowing method for purity of certain small-seeded Poa pratensis (Kentucky bluegrass) varieties was also withdrawn with a vote in favor of deferring a decision to next year’s meeting. There was unanimous support for continued work to develop supporting data. A working group, including U.S. representation, will work to submit the revised proposal for next year to both ISTA and the Association of Official Seed Analysts (AOSA).

The ISTA GMO Task Force met for a one-day session prior to ISTA Extraordinary Meeting (on June 29, 2003) and in some short sessions during the Extraordinary Meeting. The GMO Task Force is organized into four working groups: The Strategy Working Group, the Rules Chapter Working Group, the Proficiency Test Working Group, and the Information Exchange Working Group. The Rules Chapter Working Group members suggested that the rules should not contain a separate chapter on testing for genetically engineered seeds. Instead they suggested that the chapter on cultivar purity be amended to include detection and identification of cultivar impurities. Rather than have methods or procedures for the detection of genetically engineered seeds, molecular methods would be described that could be used for any seed. This is a new direction that will have to be given further consideration, but it is a better approach in that it does not single out genetically engineered seed for different tests.

To provide a basis for the discussion on voting rights and governance, the ISTA Executive Committee distributed a paper entitled, “Vote in Principle to Change Voting Rights” on May 26, 2003. Under the current system, each member government’s Designated Authority nominates one Designated Member to cast votes on its behalf. The Executive Committee put forward three options for consideration. The various options would assign votes differently to laboratories and differentiate voting on questions of governance and on technical questions (Rules for Testing Seeds). After much discussion regarding various aspects (such as legal and trade implications, financial questions, different membership categories, and proxy voting), the Executive Committee did not conduct a “vote in principle” but decided to take all the discussion points under advisement in formulating a proposed constitutional change for consideration at the next year’s meeting.

The ISTA Executive Committee also put forward the discussion paper on “Authorization Rights to Issue Certificates.” Under the present constitutional wording, each government’s Designated Authority must give its agreement before ISTA accredited private and company laboratories can issue ISTA certificates. This is seen by some as a *de facto* veto right by the Designated Authority over a laboratory’s issuance of ISTA certificates. In the United States it is the policy of the Designated Authority that no ISTA accredited laboratories



issue ISTA certificates for agricultural or vegetable seed. This policy applies to both the government laboratory and private laboratories, to ensure that there is no discrimination against the private laboratories. Seed moves freely into and out of the United States without an ISTA certificate and does not seem to be impeded by this. Others view the ISTA certificate as a technical document only containing test results, with involvement of the Designated Authority as unnecessarily political.

The next meeting will be the 27<sup>th</sup> ISTA Congress to be held in Budapest, Hungary, May 13-24, 2004. In the years between the triennial congresses, ISTA will hold annual meetings, either in Zurich (near the ISTA Secretariat) or hosted by an ISTA member.

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### **ASSOCIATION OF AMERICAN SEED CONTROL OFFICIALS MEETING**

Seed Regulatory and Testing Branch (SRTB) Chief Richard Payne and Seed Marketing Specialist Jeri Irwin attended the Association of American Seed Control Officials (AASCO) meeting, in San Diego, CA, July 26-31, 2003. The following allied organizations gave reports: Association of Official Seed Analysts (AOSA), Larry Nees (IN); Society of Commercial Seed Technologists (SCST), Tim Gutormson; American Seed Trade Association (ASTA), Leslie Cahill; Canadian Food Inspection Agency (CFIA), Luc Mougéot; Association of Official Seed Certifying Agencies (AOSCA), Greg Lowry; and U.S. Department of Agriculture (USDA), Richard Payne. Other affiliate meeting reports and preliminary committee reports were also given.

Martin Lemon of Monsanto Company reported on the effects biotechnology has on agriculture such as the need for fewer chemicals on crops and crops being resistant to drought or cold. Dr. Frederick J. (Chip) Sundstrom of the California Crop Improvement Association (CCIA) reported on California's Seed Biotechnology Center which offers several agricultural science and technology courses. For further information, please visit the University of California Extension Center's Web site at <http://sbc.ucdavis.edu>. Additionally, a panel of speakers, Larry Nees (IN), Leslie Cahill (ASTA), Tim Gutormson (SCST), Chip Sundstrom (CCIA), Martin Lemon of Monsanto Company, and David Svik (NE) discussed and answered questions on purity and GMO's.

Tim Tidwell (CA) reported on the facts about seed health to detect seed borne pathogens. This can be done by grow-out, blotter, agar, seed wash, serology (ELISA), molecular (DNA), or a combination thereof. The National Seed Health System (NSHS) is addressing some of the challenges that come with seed health testing such as a lack of standardized tests, no known test for certain pathogens, needed research, and shortage of laboratory and field inspectors. The Web site for the NSHS is <http://www.seedhealth.org>.

Roy Green (CA) reported on The National Organic Program Regulations and how a grower can become certified to grow and sell organic products. The following Web site <http://www.cdffa.ca.gov/is/fvegc/organic.htm> has information on organic products sold in California. It also has several related links such as the National Organic Standards and a Federal Organic Cost Share Application. Chip Sundstrom (CCIA) reported on facts and issues of organic seed certification. Some examples are: treated seeds cannot be used;



stakes cannot be treated; all equipment must be certified; and all products must be removed from a warehouse if it is going to be fumigated. The National Organic Program Web site <http://www.ams.usda.gov/nop> lists the standards as well as certifying agents, consumer information, procedures and State information.

Jim Riva, Chief, Audit, Review, and Compliance Branch, USDA's Agricultural Marketing Service, reported on the proposed Process Verification Program for seed. This is a voluntary program in which providers of services such as certification for varietal purity, sampling, and testing can apply for to become accredited to International Operating Standards (ISO) by USDA for the services they provide. To become an approved service provider, an agency or company must submit a quality assurance plan and pass an on-site audit by the Livestock and Seed Program's Audit Review and Compliance Branch. This enables a company that uses approved service providers to market their seed as USDA Process Verified. This tells the consumer that the seed was produced, sampled, and tested through an ISO based quality system. The following Web site has contact information and more about the program <http://www.ams.usda.gov/lsg/lsrc.htm>. A panel of speakers, George Hansen of the Snow Seed Company, Deborah Sadler of Terra Organics, Chip Sundstrom (CCIA), Jim Riva (USDA), and Ray Green (CA) discussed and answered questions about organic seed.

The RUSSL proposal that changes the word "process or processing" to "condition or conditioning" was adopted. There were no objections to the proposal. You can review the latest copy of RUSSL at AASCO's Web site <http://seedcontrol.org>.

A member of ASTA's vegetable and flower seed committee spoke to AASCO about industry's concerns over the packet seed labeling changes in RUSSL. Now that many States are starting to adopt these changes into their seed laws, there is concern about dual labeling, seed packet inventories, limited time frame for these companies to change their printing processes, and so on. This was the reason for the survey Joe Garvey sent out before the meeting in an effort to anticipate their concerns. Joe Garvey was asked to write an article for ASTA's upcoming newsletter addressing these concerns. This article will appear in AASCO's newsletter. AASCO is urging all members to offer a "grandfathering" period and allow the new labeling format in their States.

For information regarding this article contact Seed Marketing Specialist Jeri Irwin (704) 810-8878; ([jeri.irwin@usda.gov](mailto:jeri.irwin@usda.gov)).

### **Association of Seed Control Officials of the Northeastern States**

The Association of Seed Control Officials of the Northeastern States (ASCONES) met with the Southern Seed Control Officials Association (SSCOA) for the regional meetings held July 29, 2003. Members in attendance were Roger Burton (MD), Joe Garvey (PA), Jeri Irwin (USDA), and Richard Payne (USDA). Next year's AASCO meeting will be held in Ottawa, Canada. Although Canada Food Inspection Agency (CFIA) is concerned over the potential lack of attendance there, AASCO is doing everything possible to keep costs down. It will be closer to ASCONES territory so hopefully ASCONES will get to meet in Canada.



The Atlantic Seed Association (ASA) is holding their annual meeting October 19-21, 2003, in Norfolk, VA. Joe Garvey was asked to speak to their members about AASCO and cover the latest developments on those States that have started adopting the RUSSL amendments from 2001. The ASA has been most supportive to ASCONES over their long association.

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We want to thank ASCONES President Joe Garvey for submitting information for this and other reports.

### **North Central States Seed Control Officials Association**

The North Central States Seed Control Officials Association (NCSSCOA) held their annual meeting July 29. The following States and agencies were represented: Indiana, Kansas, Kentucky, Minnesota, Nebraska, North Dakota, Wisconsin, the Canada Food Inspection Agency (CFIA), and the Seed Regulatory and Testing Branch (SRTB).

State Reports were presented from those in attendance. The CFIA and SRTB also provided additional comments.

Several topics of interest were discussed, including Indiana Seed Contracts Law, handling complaints due to misuse of pesticides, new AOSA Rules for 2003, future AASCO meetings, and dues issues. Under new business, SCST President Tim Gutormson gave a short presentation on the issue of the voting process on AOSA Rules by each organization.

After considerable discussion regarding travel problems for many members due to budget cuts, the NCSSCOA voted to recommend to AASCO that a level of monetary support be provided to national Officers and Executive Board members if they are not able to get their agency support for travel to meetings. NCSSCOA also considered providing some monetary support for its NCSSCOA officers to attend the regional or national meeting if State budgets become an issue.

The Nominations Committee offered the names of David Svik (NE) for President and Greg Helmbrecht (WI) for Vice President for 2004-2005. The vote was unanimous. Both will also serve on the AASCO Executive Board.

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We want to thank NCSSCOA Acting Vice President David F. Svik for submitting information for this report.

### **Southern Seed Control Officials Association**

The Southern Seed Control Officials Association met with the Association of Seed Control Officials of the Northeastern States for the July 29 regional meeting. Members in attendance were John Crayton (AL), Eric Gates (LA), and Mary Smith (AR). Other attendees were Bob Fugitte (Dupont Crop Protection/Pioneer Hybrid), Bill Hanson (CFIA), Jeri Irwin (SRTB), Paul Johnson (Stoneville Pedigreed Seed Company), Janis Kieft (NK Lawn and Garden), Richard Payne (SRTB), and Vince Snyder (The Scotts Company).

John Crayton reported that Horsenettle, which stays dormant in the ground for 10 years, has recently been found in American joint vetch in Tennessee. He described it as a mini version of Tropical Soda Apple. It takes over pastures, is spread by deer, cattle, and turkey, will push through fences, and is resistant to many herbicides.



Mary Smith met with labelers concerning advertising varieties and brands. Most were unaware that most brand names were not varieties.

Safety issues were discussed on sampling seed in mini bulk boxes. Two of those issues were about the boxes and bags being unknowingly empty. Empty boxes can shift if they are stood upon. Air inside the bags will give the appearance that the bag is full, making it very hazardous to attempt standing on the bag.

Relabeling of expired test dates was discussed. Issues include the lot number not matching the test date and applying new complete labels over the old ones without checking the lot number.

### **Western Association of Seed Control Officials**

Seed Regulatory and Testing Branch (SRTB) Chief Richard Payne attended the Western Association of Seed Control Officials (WASCO) meeting on June 29, 2003. Members in attendance were David Godfrey (CA), Umesh Kodira (CA), Larry Krum (MT), and Ron Pence (OR). Other attendees included Tim Gutormson (SCST), Luc Mougeot (CFIA), and Vince Snyder of The Scotts Company.

The use of the tetrazolium (TZ) test for labeling purposes was discussed. The Federal Seed Act (FSA) does not reference the TZ test as a valid test for labeling purposes. However, the SRTB has administratively allowed the TZ test to be used for labeling cool season grasses within three months of harvest, provided the results of the TZ test are supported by a valid germination test. This position was taken to allow freshly harvested cool season grass seed to be labeled and shipped in time for the fall market. The application TZ testing to test other kinds that have long germination test times and require dormancy breaking procedures was discussed.

Issues concerning evaluating 200 or 400 seeds with the TZ test were also discussed. It was noted that seed companies support TZ testing and often use it to help make decisions about seed lots. The SRTB would consider hosting a TZ testing some time in the future if there is sufficient interest.

Ron Pence (OR) stated that there is a move in the Oregon seed industry to adopt RUSSL into Oregon's State seed law. Others stated that their State seed law was either modeled after RUSSL or the FSA.

Various seed laboratory accreditation schemes, including ISO and ISTA, as well as progress on the AOSA/SCST accreditation efforts were discussed. Ron Pence reported on Oregon's Quality Management System, which is an ISO audit based system with USDA over site. Luc Mougeot discussed the laboratory accreditation requirements of the Canadian Food Inspection Agency. Concerns about seed stocks of traditional varieties being contaminated by genetically engineered varieties were discussed. It was pointed out that identity preserved (IP) programs would be a valuable tool to preserve the varietal purity of seed stocks, that include: documentation of land history; tests of seed source; equipment cleaning records; storage records; and inspection of storage facilities.



Vince Snyder of The Scotts Company reported that Scotts has been working with State seed programs to adopt a uniform test date of 15 months and a sell by statement for cool season grass seed. It was pointed out that it is important for seed companies in a State to promote this effort at the State level.

Tim Gutormson (SCST) discussed the SCST's concern about SCST members not being allowed to officially vote on AOSA rule proposals especially those proposals that pertain to methodology.

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We want to thank Ronald R. Pence (OR) for submitting information for this report.

## **LABELING OTHER CROP SEED**

There appears to be some confusion among seed company personnel about which seed should be included in the "other crop" category on the seed label. The confusion involves seeds that are the same kind as the labeled kind, but a variety other than the labeled variety. Sections 201.18 and 201.49 of the Federal Seed Act Regulations and Section 2.8 of the AOSA Rules for Testing Seeds clearly define other crop seed as both other kinds and other varieties of seed. This means that when labeling soybean seed, for example, seeds of both other kinds and other varieties must be considered as other crop seed. An exception would occur if a low percentage of variants are described and included in the varietal description. Seeds of these variants would be considered part of the labeled variety and therefore, pure seed. If the percentage of the other variety exceeds 5 percent, the name of the other variety and the percentage of pure seed and germination percentage of that variety must appear on the seed label.

Another exception involves labeling varieties of agricultural hybrids. Section 201.11a of the Federal Seed Act Regulations states in part, "The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown"--. This means that when labeling seed of agricultural hybrids, such as corn, the percentage of pure seed is the percentage of corn seed. The seed can be labeled as "hybrid" without a clarifying statement provided at least 95 percent of the pure seed is hybrid seed of the labeled variety. In this case, out-crosses and selfs would be considered part of the pure seed, while other crop seed would consist of other kinds of seed. Section 201.11a allows a five percent "fudge factor" to account for unintended selfs and out-crosses during hybrid seed production.

Section 201.11a states that if the pure seed is less than 95 percent hybrid, but more than 75 percent hybrid, either the percentage of pure seed that is hybrid or the statement: "Contains from 75 percent to 95 percent hybrid seed" must be shown on the seed label. Seed cannot be labeled as hybrid if it is less than 75 percent hybrid.

For information regarding this article contact Chief Richard Payne (704) 810-8884; ([richard.payne2@usda.gov](mailto:richard.payne2@usda.gov)).

## **FEDERAL SEED ACT VARIETAL LABELING ISSUES**

During the past year, the Seed Regulatory and Testing Branch (SRTB) has received an increased number of varietal labeling complaints from State seed control programs for Federal Seed Act (FSA) action. Some of these complaints involved the change of a varietal



name after the variety had entered channels of commerce. In some instances, seed shipped by a company in interstate commerce with one variety name (possibly an experimental designation) was renamed by that company when sold the following year. In other cases, seed purchased from a company as a designated variety was increased and then renamed by the purchasing company when offered for sale. Both of these instances constitute violations of Section 201.34(d)(2) of the FSA Regulations. Section 201.34(d)(2) states that the name of a new variety shall be the name given by the originator or discoverer of the variety and if the originator or discoverer of the new unnamed variety chooses not to name the variety, the name of the variety shall be the first name under which the seed is introduced into United States commerce. Once a variety is named, that name cannot be changed and must be used for that variety for as long as it is in existence.

Other varietal labeling complaints received by the SRTB involved the use of brand and variety names. Some of these complaints involved the advertisement and sale of seed as a brand with the same name that was previously used as a variety name. In some cases, seed with the varietal name in question was produced and certified for varietal purity by several State seed certification programs prior to the use of the same name as a brand. In other cases, the name of a variety protected under the Plant Variety Protection Act was used as a brand designation. The FSA does not regulate brands. However, Section 201.8 of the FSA regulations refers to labeling agricultural seeds and states, "The label may contain information in addition to that required by the Act, provided such information is not misleading." The use of an existing variety name as a brand name is considered misleading because the name implies a specific varietal content which may not be present. Also, Section 201.36b(e) of the FSA Regulations refers to advertising and includes the sentence, "Seed shall not be advertised under a trademark or brand name in any manner that may create the impression that the trademark or brand name is a variety name." The use of an existing variety name as a brand name creates the impression that the brand name is a variety name.

The brand and variety labeling situation is further complicated because often it is not clear from the seed label if the name is being used as a brand or a variety. In addition, in some instances, different representatives of the same seed company have provided conflicting information as to whether a certain name is a variety name or a brand name. These are some of the reasons that certain state seed control officials are proposing that a mandatory variety name registration system be established in the United States.

Information about naming varieties can be found on the SRTB website at <http://www.ams.usda.gov/lsg/seed.htm>

## QUESTIONS AND ANSWERS

**Q1) After seed is shipped from the original State to another State, is the germination test subject to the Federal Seed Act (FSA) or to the State law it is shipped into?**

A1) Sections 201.22(a) and 201.30a of the FSA Regulations both address test date. Section 201.22(a) pertains to agricultural seed and Section 201.30a pertains to vegetable seed in containers of more than one pound. Both sections state in part "The label shall show the month and year in which the germination test was completed. No more than 5 calendar months shall have elapsed between the last day of the month in which the



germination test was completed and the date of transportation or delivery for transportation in interstate commerce----." This means that if a germination test was completed in January, the test would be valid for interstate shipments through June. Also, the FSA only applies to seed when shipped in interstate commerce. Most States have a longer test date than the FSA. This allows the seed to be shipped in interstate commerce and have additional time to be sold in that particular State. There is an exception of 15 months from test date to shipment for 9 cool season grass kinds listed in section 201.22(c) of the FSA Regulations.

**Q2) Is it permissible to predate a label or use an advance date for the required date of test on labeling for interstate shipment?**

A2) Both Section 201.22(a) (agricultural seed) and Section 201.30a (vegetable seed in containers of more than one pound) of the FSA regulations require the label to show the month and year in which the germination test was completed. To label seed with the test date of certain month when the germination test was completed in an earlier month would be a violation of the FSA because the labeling is false. Section 201(d) of the FSA prohibits false labeling of seed shipped in interstate commerce.

**Q3) Is seed shipped in interstate commerce for storage subject to the Federal Seed Act?**

A3) Seed shipped by a company from a warehouse in one State to a warehouse in another State is considered to have been shipped in interstate commerce and therefore, subject to the FSA. Labeling seed shipped in interstate commerce in bulk or large quantities (20,000 pounds or more) for cleaning or processing is addressed in Section 201.34 of the FSA Regulations.

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## **ADMINISTRATIVE CHANGES**

May 4, 2003, SRTB Botanist Susan Maxon was hired as the new Laboratory Supervisor/Assistant Branch Chief. Maxon joined the Branch in 1976. The position of Laboratory Supervisor had been vacant for more than 3 years.

Linda Vanderhoof was hired as a Seed Marketing Specialist. Vanderhoof worked for the Branch from 1998 to 2003 starting in office automation then steadily progressing into new duties of increasing responsibilities. During the last year she assisted the Seed Marketing Specialists on Federal Seed Act case work. On May 18, 2003, Vanderhoof was hired as a Seed Marketing Specialist.

On June 16, 2003, Karen Sussman was hired as the Branch Secretary. Sussman came to us from private industry at Fort Dodge Animal Health, Fort Dodge, IA. Prior to that she was with USDA, ARS, Sugarbeet and Bean Research Unit, East Lansing, MI, where she was the Unit Secretary.

On September 22, 2003, Dr. Richard Glick was hired as the new Plant Physiologist. Rich came to us from Winston-Salem State University where he was an Assistant Professor in



the Department of Life Sciences. Before working at Winston-Salem State he was a Research Associate at Penn State University, Michigan State University, and the University of California. His duties will include developing protein electrophoresis procedures for use in distinguishing varieties.

On October 6, 2003, Dr. Michael Lovelace joined the Branch. Mike comes to us from Fayetteville, AR. He will serve as SRTB's new Agronomist. His duties will include developing assays for detecting herbicide resistance in seed and developing controlled growth tests for distinguishing varieties.

We are very pleased to welcome our new staff members. Contact information for all our staff members follows.

For information regarding this article contact Seed Marketing Specialist Jeri Irwin (704) 810-8878; ([jeri.irwin@usda.gov](mailto:jeri.irwin@usda.gov)).



## Directory of Services

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### TRUENESS-TO-VARIETY PROGRAM

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## FEDERAL SEED ACT CASE SETTLED

The following case was settled administratively under the Federal Seed Act between April 1 and September 30, 2003. Under the administrative settlement procedure, the Seed Regulatory and Testing Branch and the firm agreed to settle the case for the amount specified, with the firm neither admitting nor denying the charges:

- Texas Oklahoma Production Company, Enid, OK, has paid \$2,575 for a case involving five seed shipments. The alleged violations, while not the same for all shipments, were false labeling as to variety name, pure seed and germination percentage, noxious-weed seed; failure to show the name, kind, and variety accompanied by the percentage or the name of the kind accompanied by the words "Variety Not Stated" and the percentage, germination percentage and test date; shipping seed containing prohibited noxious-weed seeds; and failure to keep required records. Seed regulatory officials in Georgia, Oklahoma, and Texas cooperated in the initial sampling and inspection.

For information regarding this article contact Seed Marketing Specialist Jeri Irwin (704) 810-8878; ([jeri.irwin@usda.gov](mailto:jeri.irwin@usda.gov)).

## RYEGRASS FLUORESCENCE LIST

The current ryegrass fluorescence list by the National Grass Variety Review Board (NGVRB) can now be accessed on the following Web site:

<http://www.oscs.orst.edu/publications/specialreports/VFL22703List.pdf>



Additions and Deletions  
Of  
Plant Variety Protection  
Certificates



PLANT VARIETY PROTECTION CERTIFICATES  
(ISSUED from April 4, 2003 to October 15 2003)

KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA	KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA
LETTUCE				Charger II			
King Henry	Progeny Advanced Genetics, Inc.	Y	Y	LETTUCE PX 105	Pure Seed Testing, Inc.		Y
Caesar	Progeny Advanced Genetics, Inc.	Y	Y	Green Lightning	Progeny Advanced Genetics, Inc.		Y
Seville	Seminis Vegetable Seeds, Inc.	Y	Y	Danenberg 66	Progeny Advanced Genetics, Inc.		Y
TOBACCO							
CU 263	South Carolina Agricultural Experiment Station	Y (3)	Y	SOYBEAN SG 567 RR	D&PL Technology Holding Corp	Y	Y
FESCUE, HARD				SG 597 RR	D&PL Technology Holding Corp.	Y	Y
Osprey	Seed Research of Oregon	Y	Y	SG 617 RR	D&PL Technology Holding Corp.	Y	Y
RYEGRASS, PERENNIAL				Boggs	University of Georgia Research Foundation, Inc. (UGARF)	Y (2)	Y
Catalina	Pure Seed Testing, Inc.	Y	Y	LETTUCE			
Stardance	Pure Seed Testing, Inc.	Y	Y	Gladiator	Enza Zaden de Enkhuizer Zaadhandel B.V.	Y	Y
Roadrunner	Pure Seed Testing, Inc.	Y	Y	SOYBEAN DP 5354	D&PL Technology Holding Corp.	Y	Y
Sonata	Pure Seed Testing, Inc.	Y	Y	DP 7731	D&PL Technology Holding Corp.	Y	Y
COTTON							
DP 90RR	D&PL Technology Holding Corporation	Y	Y	DP 7375 RR	D&PL Technology Holding Corp.	Y	Y
DP 50B	D&PL Technology Holding Corporation	Y	Y	DP 6880 RR	D&PL Technology Holding Corp.	Y	Y
DP 90B	D&P Technology Holding Corporation	Y	Y	SG 678 RR	D&PL Technology Holding Corp.	Y	Y
SOYBEAN				SG 708 RR	D&PL Technology Holding Corp.	Y	Y
DP 5806 RR	D&PL Technology Holding Corp.	Y	Y	COTTON			
DP 5960 RR	D&PL Technology Holding Corp.	Y	Y	DP 688 B/RR	D&PL Technology Holding Corporation	Y	Y
DP 6200 RR	D&PL Technology Holding Corp.	Y	Y	DP 425 RR	Deltapine Seed, A Division of Delta and Pine Land Company	Y	Y
COTTON							
DP 5111	D&PL Technology Holding Corporation	Y	Y				
RYEGRASS, PERENNIAL							
Premier II	Barenbrug Holland B.V.	Y	Y				
RYEGRASS, ANNUAL							
Tachimusha	Snow Brand Seed Company	Y	Y				
RYEGRASS, PERENNIAL							

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KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA	KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA
COTTON				WS24			
DP 655 B/RR	D&PL Technology Holding Corporation		Y	COTTON	Abbott & Cobb, Inc.		Y
DP 458 B/RR	D&PL Technology Holding Corporation		Y	PM 1218 BG/RR	Louisiana Agricultural Experiment Station		Y
DP 436 RR	D&PL Technology Holding Corporation		Y	ASTER, CHINA			
DP 410 B	D&PL Technology Holding Corporation		Y	Serenade Blue-Tipped White	Sakata Seed Corporation		Y
LETTUCE				Serenade Carmine	Sakata Seed Corporation		Y
Red Rage	Pybas Vegetable Seed Company, Inc and Douglas Peters		Y	Serenade Light Blue	Sakata Seed Corporation		Y
				Serenade Rose-Tipped	Sakata Seed Corporation		Y
				White			
				Serenade Rose	Sakata Seed Corporation		Y
				Serenade Scarlet	Sakata Seed Corporation		Y
ONION				CORN, FIELD			
Green Banner	Seminis Vegetable Seeds, Inc.		Y	JCR503	The J.C. Robinson Seed Company		Y
TOBACCO				PH36E	Pioneer Hi-Bred International, Inc.		Y
SPEIGHT 168	Speight Seed Farms, Inc.	Y (2)	Y	PH3AV	Pioneer Hi-Bred International, Inc.		Y
SPEIGHT NF3	Speight Seed Farms, Inc.	Y (2)	Y				
RICE				NP2167	Syngenta Seeds, Inc.		Y
Cadet	Texas Agricultural Experiment Station/USDA-ARS	Y (3)	Y	TOBACCO			
				Speight 179	Speight Seed Farms, Inc.	Y (2)	Y
COTTON				CORN, FIELD			
PM 2192 BG	D&PL Technology Holding Corporation		Y	NP2174	Syngenta Seeds, Inc.		Y
PM 2280 BG/RR	D&PL Technology Holding Corporation		Y	BEAN, FIELD			
PM 2320 RR	D&PL Technology Holding Corporation		Y	Shiny Crow	Colorado State University	Y (3)	Y
				MUSKMELON			
				PM24	Abbott & Cobb, Inc.		Y
RICE				CORN, FIELD			
Calmati-201	California Cooperative Rice Research Foundation, Inc.	Y (3)	Y	PH6WR	Pioneer Hi-Bred International, Inc.		Y
				PH4V6	Pioneer Hi-Bred International, Inc.		Y
ONION				PH7CH	Pioneer Hi-Bred International, Inc.		Y
Baja Verde	Seminis Vegetable Seeds, Inc.		Y	PH5TG	Pioneer Hi-Bred International, Inc.		Y
CORN, FIELD				PH4GP	Pioneer Hi-Bred International, Inc.		Y
NP2213	Syngenta Seeds, Inc.		Y				
MUSKMELON							

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CORN, FIELD							
PH5W4	Pioneer Hi-Bred International, Inc.	Y	SOYBEAN	SY32157	Asgrow Seed Company LLC	Y	
PH6WG	Pioneer Hi-Bred International, Inc.	Y		SN79624	Asgrow Seed Company LLC	Y	
PH726	Pioneer Hi-Bred International, Inc.	Y		SN79582	Asgrow Seed Company LLC	Y	
PH7CP	Pioneer Hi-Bred International, Inc.	Y		SN79596	Asgrow Seed Company LLC	Y	
PH581	Pioneer Hi-Bred International, Inc.	Y		SQUASH			
PH3PV	Pioneer Hi-Bred International, Inc.	Y		One BallF	Hollar & Company Inc.	Y	
PH77V	Pioneer Hi-Bred International, Inc.	Y		PEA, FIELD			
PH6KW	Pioneer Hi-Bred International, Inc.	Y		SW Circus	Svalof Weibull AB	Y (3)	Y
PH5WB	Pioneer Hi-Bred International, Inc.	Y		SOYBEAN			
PH6ME	Pioneer Hi-Bred International, Inc.	Y		S25-D3	Syngenta Seeds, Inc.	Y	
PH5DR	Pioneer Hi-Bred International, Inc.	Y		BEAN, FIELD			
PH6JM	Pioneer Hi-Bred International, Inc.	Y		BigHorn	Idaho Seed Bean Company	Y (2)	Y
PH76B	Pioneer Hi-Bred International, Inc.	Y		PEA			
PH48F	Pioneer Hi-Bred International, Inc.	Y		Topps	Pure Line Seeds, Inc.	Y (*)	Y
W60028	The J.C. Robinson Seed Company	Y		SAFFLOWER	Upper Valley Seed Company		
CELERY				Montola 2004	Montana State University	Y (*)	Y
ADS-7				WHEAT, COMMON			
PUMPKIN				Brundage 96	University of Idaho and Idaho Agricultural Experiment Station	Y (3)	Y
Mini Treat							
				SOYBEAN			
				Nornatto	NDSU Research Foundation	Y (3)	Y
				Nannonatto	NDSU Research Foundation	Y (3)	Y
				WHEAT, COMMON			
				Alturas	University of Idaho	Y (3)	Y
				Moreland	University of Idaho	Y (3)	Y
				TRITICALE			
				2115	Resource Seeds, Inc.		Y
				308	Resource Seeds, Inc.		Y
				2205	Resource Seeds, Inc.		Y
				WHEAT, COMMON			
				Pat	University of Arkansas	Y (2)	Y
					Agricultural Experiment Station		
				WATERMELON			
				SP-1	Syngenta Seeds, Inc.		Y
				SOYBEAN			
				0088401	First Line Seeds Ltd.		Y

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SOYBEAN				SOYBEAN			
SE71112	Monsanto Technology LLC		Y	92M00	Pioneer Hi-Bred International, Inc.	Y	1994 PVPA
SN76208	Monsanto Technology LLC		Y	92M10	Pioneer Hi-Bred International, Inc.	Y	
SN79525	Monsanto Technology LLC		Y	92M30	Pioneer Hi-Bred International, Inc.	Y	
0096008	Monsanto Technology LLC		Y	92M31	Pioneer Hi-Bred International, Inc.	Y	
SW90702	Monsanto Technology LLC		Y	92M50	Pioneer Hi-Bred International, Inc.	Y	
SE73224	Monsanto Technology LLC		Y	92M70	Pioneer Hi-Bred International, Inc.	Y	
SN83211	Monsanto Technology LLC		Y		Pioneer Hi-Bred International, Inc.	Y	
SE73206	Monsanto Technology LLC		Y		Pioneer Hi-Bred International, Inc.	Y	
SE90345	Monsanto Technology LLC		Y		Pioneer Hi-Bred International, Inc.	Y	
SN82691	Monsanto Technology LLC		Y		Pioneer Hi-Bred International, Inc.	Y	
0149928	Monsanto Technology LLC		Y		Pioneer Hi-Bred International, Inc.	Y	
WHEAT, DURUM					Pioneer Hi-Bred International, Inc.	Y	
Pierce	NDSU Research Foundation	Y (3)	Y	92M71	Pioneer Hi-Bred International, Inc.	Y	
Dilse	NDSU Research Foundation	Y (3)	Y	92M72	Pioneer Hi-Bred International, Inc.	Y	
BEAN, GARDEN				92M80	Pioneer Hi-Bred International, Inc.	Y	
Dusky	Syngenta Seeds, Inc. - Vegetables		Y		Pioneer Hi-Bred International, Inc.	Y	
WHEAT, COMMON				93M40	Pioneer Hi-Bred International, Inc.	Y	
AP502 CL	Agripro Wheat, a business unit of Advanta USA	Y (*)	Y	93M41	Pioneer Hi-Bred International, Inc.	Y	
AP401 CL	AgriPro Wheat, a business unit of Advanta U.S.A. Inc.	Y (*)	Y	93M60	Pioneer Hi-Bred International, Inc.	Y	
PEA				93M80	Pioneer Hi-Bred International, Inc.	Y	
Para	Pure Line Seeds, Inc.		Y		Pioneer Hi-Bred International, Inc.	Y	
WHEAT, COMMON				93M90	Pioneer Hi-Bred International, Inc.	Y	
Richland	Cornell Research Foundation, Inc.	Y (2)	Y	93M91	Pioneer Hi-Bred International, Inc.	Y	
SOYBEAN				94M40	Pioneer Hi-Bred International, Inc.	Y	
90M90	Pioneer Hi-Bred International, Inc.		Y	94M41	Pioneer Hi-Bred International, Inc.	Y	
91M10	Pioneer Hi-Bred International, Inc.		Y	94M70	Pioneer Hi-Bred International, Inc.	Y	
91M40	Pioneer Hi-Bred International, Inc.		Y		Pioneer Hi-Bred International, Inc.	Y	
91M50	Pioneer Hi-Bred International, Inc.		Y		Pioneer Hi-Bred International, Inc.	Y	
91M90	Pioneer Hi-Bred International, Inc.		Y	WHEAT, COMMON			
			Y	38206	Virginia Tech Intellectual Properties, Inc.	Y	

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WHEAT, COMMON Tribute	Virginia Tech Intellectual Properties, Inc.	Y (2)	Y	PH83WVV	Pioneer Hi-Bred International, Inc.	Y	Y
Pearl	Virginia Tech Intellectual Properties, Inc.	Y (2)	Y	PH085ZJFE	Pioneer Hi-Bred International, Inc.	Y	Y
McCormick	Virginia Tech Intellectual Properties, Inc.	Y (2)	Y	PHU80MJ	Pioneer Hi-Bred International, Inc.	Y	Y
SOYBEAN				PH40AZE	Pioneer Hi-Bred International, Inc.	Y	Y
0006245	Monsanto Technology LLC		Y				
0096004	Monsanto Technology LLC		Y				
0096838	Monsanto Technology LLC		Y				
0203314	Monsanto Technology LLC		Y				
DP 5634 RR	D&PL Technology Holding Corp.		Y				
WHEAT, COMMON Coker 9295	Syngenta Seeds, Inc.	Y (3)	Y				
BARLEY Bestford	Western Plant Breeders, Inc.		Y				
SOYBEAN Spink	South Dakota Agricultural Experiment Station	Y (*)	Y				
SD1081RR	South Dakota Agricultural Experiment Station	Y (*)	Y				
BEAN, GARDEN Astun	Syngenta Seeds, Inc. - Vegetables		Y				
PEA Stanton	Syngenta Seeds, Inc.		Y				
SOYBEAN 1465003	D&PL Technology Holding Corp.		Y				
7085005	D&PL Technology Holding Corporation		Y				
PEA Sugar Loaf SORGHUM	Syngenta Seeds, Inc.		Y				

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